

**VILLAGE OF CRIVITZ
DIRECT SELLER REGISTRATION FORM**

Business Name: _____

Owner Name: _____

Address: _____

Phone: _____

DOB: _____

Date(s) of Sales: _____

Nature of Business: _____

Goods/Services: _____

Method of Delivery: _____

Make, Model & License of Vehicle: _____

If Stationary Sales List Locations: _____

Door to Door Sales Persons - Attached Copies of Drivers Licenses

Contact Number for Each Sales Person:

Place where applicant can be contacted for at least 7 days after leaving Village:

Include the following documents with application:

Copies of Drivers Licenses of Applicant and all Sales Persons

Copies of Current State Licenses/Certificates Required for Type of Business

Copy of Current Vehicle or Trailer Registration Form

Appropriate Fee:

\$5.00 per day

\$20.00 per week

\$50.00 per month

\$200.00 per year

Signature: _____

Printed Name: _____

Date: _____

ARTICLE III. - TRANSIENT MERCHANTS

Sec. 12-54. - Registration required.

It is unlawful for any transient merchant to engage in direct sales within the village without being registered for that purpose as provided herein.

(Code 1992, § 7-4-1)

Sec. 12-55. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization includes any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H clubs and school organizations.

Goods includes personal property of any kind and shall include goods provided incidental to services offered or sold.

Merchandise includes personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.

Permanent merchant means a person who, for at least one year prior to the consideration of the application of this chapter to the merchant has continuously operated an established place of business in the village or has continuously resided in the village and now does business from the residence of such person.

Sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. Sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

Transient merchant means an individual who engages in the retail sale of merchandise at any place in the village temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants,

(Code 1992, § 7-4-2)

Sec. 12-56. - Exemptions.

(a) The following shall be exempt from all provisions of this article:

- (1) *Regular delivery routes.* Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (2) *Wholesalers.* Any person selling merchandise at wholesale to dealers in such merchandise;
- (3) *Agricultural products.* Any person selling state agricultural products which the person has grown;
- (4) *Deliveries by permanent merchants.* Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (5) *Requested home visits.* Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, the person;
- (6) *Prior sales transactions.* Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (7) *Services not offering merchandise.* Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (8) *Auctions; sales authorized by statute.* Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (9) *Charitable organizations; limited exemptions.* Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the organization, provided that there is submitted to the village clerk-treasurer proof that such charitable organization is registered under Wis. Stats. § 440.41 or which is exempt from that statute's registration requirements.
- (10) *Alleged transient merchants.* Any person who claims to be a permanent merchant, but against whom complaint has been made to the village clerk-treasurer that such person is a transient merchant, provided that there is submitted to the village clerk-treasurer proof that such person has leased for at least one year, or purchased, the premises from which such person is conducting business, or proof that such person has conducted such business in this village for at least one year prior to the date complaint was made.
- (11) *Persons licensed by examining boards.* Any individual licensed by an examining board as defined in Wis. Stats. § 15.01(7).
- (12)

Village authorized events. Transient merchants while doing business at special events authorized by the village board.

(13) *Resident minors.* Minors under 18 years of age who are residents of the public school district of which the village is a part.

(b) *Exception for events hosted by a charitable organization.* If the host of the Market I event, at which a transient merchant is a participant, is considered a bona fide registered nonprofit charitable organization, the transient merchant is not required to register and obtain a license under this section from the village. The host nonprofit charitable organization shall verify its status with the village prior to the scheduled event.

(Code 1992, § 7-4-3)

Sec. 12-57. - Registration.

(a) *Application form and content.* Applicants for registration must complete and return to the village clerk-treasurer a registration form furnished by the clerk-treasurer which shall require the following information:

- (1) Name, permanent address and telephone number, and temporary address, if any;
- (2) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
- (3) Temporary address and telephone number from which business will be conducted, if any;
- (4) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
- (5) Proposed method of delivery of merchandise, if applicable;
- (6) Make, model and license number of any vehicle to be used by applicant in the conduct of the business of such applicant;
- (7) Last cities, villages, towns, not to exceed three, where applicant conducted similar business just prior to making this registration.
- (8) Place where applicant can be contacted for at least seven days after leaving this village;
- (9) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.

(b) *Identification and documentation.* Applicants shall present to the village clerk-treasurer for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required;
- (2)

A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.
- (c) *Clerk-treasurer to be designated agent for service.* The applicant shall sign a statement appointing the village clerk-treasurer or agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (d) *Fees.* At the time of filing applications, an investigation fee in the amount provided in the village fee schedule shall be paid to the village clerk-treasurer to cover the cost of investigation of the facts stated in the applications and for processing the registration. Every member of a group must file a separate registration form; provided, however, that transient merchants may employ two assistants without payment of an additional investigation fee. The fee for a transient merchant license shall be as provided in the village fee schedule.
- (e) *Issuance; term.* Upon payment of the fees and the signing of the statement, the village clerk-treasurer shall register the applicant as a transient merchant and date the entry. The registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in section 12-59.

(Code 1992, § 7-4-4; Ord. No. 2023-002, § 1, 3-23-2023; Ord. No. 2023-010, § 1, 10-25-2023)

Sec. 12-58. - Investigation.

Upon receipt of each application, village-designated law enforcement officers shall make and complete an investigation of the statements made in such registration, the investigation to be completed within five days from the time of referral.

(Code 1992, § 7-4-5(a))

Sec. 12-59. - Grounds for registration denial.

The village clerk-treasurer shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted

similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of section 12-57(b).

(Code 1992, § 7-4-5(b))

Sec. 12-60. - Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the village board or, if none has been adopted, under the provisions of Wis. Stats. § 68.07 through 68.16.

(Code 1992, § 7-4-6)

Sec. 12-61. - Revocation of registration.

Registration may be revoked by village law enforcement officers or village clerk-treasurer if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling. The registrant may appeal such revocation pursuant to section 12-3.

(Code 1992, § 7-4-8)

Sec. 12-62. - Prohibited acts.

No transient merchant shall:

- (1) Call at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment;
- (2) Call at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors," or words of similar meaning;
- (3) Call at the rear door of any dwelling place;
- (4) Remain on a premises after being asked to leave by the owner, occupant or other person having authority over such premises;
- (5) Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of the visit of such transient merchant, the identity of such transient merchant or the identity of the organization such transient merchant represents;
- (6)

Impede the free use of sidewalks and streets by pedestrians and vehicles;

- (7) When sales are made from vehicles, fail to comply with all traffic and parking regulations;
- (8) Make loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (9) Allow rubbish or litter to accumulate in or around the area in which such transient merchant is conducting business.

(Code 1992, § 7-4-7(a))

Sec. 12-63. - Disclosure requirements; written notices and statements.

- (a) *Disclosure of percentage of proceeds used for charitable purposes.* A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. The portion shall be expressed as a percentage of the sale price of the merchandise.
- (b) *Disclosure of names, organization, and items or services sold.* After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose the name of such transient merchant, the name of the company or organization such transient merchant is affiliated with, if any, and the identity of merchandise or services such transient merchant offers to sell.
- (c) *Buyer's right to cancel.* If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. § 423.203.
- (d) *Written statement summarizing transaction.* If the transient merchant takes a sales order for the later delivery of merchandise, such transient merchant shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(Code 1992, § 7-4-7(b))

Secs. 12-64—12-84. - Reserved.